United Nations CERD/C/CUB/Q/19-21

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninety-sixth session
6–30 August 2018
Item 4 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined nineteenth and twentieth periodic reports of Cuba

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Information on the demographic composition of the population

2. Information on the results of the 2012 population and housing census; comprehensive, disaggregated and up-to-date statistical data on the demographic composition of the State party's population; and measures taken to ensure that data collection is based on self-identification.

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 2 and 4)

3. Information on specific cases in which the provisions of the Convention have been invoked before domestic courts or have been directly applied by them.

4. Legislative measures or constitutional amendments planned to enhance the prevention of racial discrimination and introduce into domestic law a definition of racial discrimination in accordance with article 1 (1) of the Convention, which also covers acts of direct and indirect discrimination.

5. Status of deliberations and progress towards adoption of the new Criminal Code (CERD/C/CUB/19-21, para. 206). Information on whether it is envisaged that the new Code will recognize as criminal offences all actions mentioned under article 4 of the Convention and whether racial motivation will be introduced as a circumstance aggravating criminal responsibility.

6. Further information on the national system for the promotion and protection of human rights (CERD/C/CUB/19-21, para. 210) and on steps taken towards the establishment of a national human rights institution in accordance with the principles

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relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and a mechanism tasked with combating racism and racial discrimination (CERD/C/CUB/CO/14-18, para. 13)

7. Information on the composition, role and operation of the permanent State-run follow-up mechanism to combat racism and racial discrimination to which the State party refers in its report (CERD/C/CUB/19-21, para. 212). Information on the specific activities carried out by this mechanism and the results of such activities.

Situation of persons of African descent (arts. 2–5)

8. Updated information on the impact and concrete results of the measures taken to combat the racism and structural discrimination that continues to affect persons of African descent.

9. Up-to-date information, including disaggregated statistical data, on the impact of implementation of the social programmes mentioned in paragraph 20 of the State party report and on how these programmes have helped to improve the socioeconomic situation of persons of African descent, particularly in terms of their access to employment, education, health and adequate housing.

10. Statistical data on cases involving excessive use of force by police and other law enforcement officials against persons of African descent and persons belonging to ethnic minorities, including the outcomes of investigations, the sentences imposed on perpetrators and the compensation provided to victims. In particular, information on the investigations carried out in response to allegations of excessive use of force by law enforcement officials against Sonia Garro Alfonso, Madelaine Lázara Carballo Betancourt and Yaumara Brown Surit, whose cases date back to 2012. Measures adopted to prevent violence and excessive use of force by law enforcement officials against persons of African descent.

11. Statistical data on the prison population, disaggregated by age, sex and ethnic or national origin.

12. Mechanisms that enable Afrodescendants to participate in politics, especially at the decision-making level.

Situation of human rights defenders (arts. 2 and 5)

13. Information on measures taken to foster a safe and enabling environment for the work of human rights defenders, especially those advocating for the rights of persons of African descent.

Multiple forms of discrimination (arts. 2 and 5)

14. Measures taken to combat the multiple forms of discrimination against women of African descent, particularly in the labour market and in access to education and health-care services, including sexual and reproductive health care, and to promote their political participation. Measures taken to address the gender-based violence faced by women of African descent.

15. Information on cases of multiple discrimination on grounds of ethnic origin and sexual orientation or gender identity. Information on the steps taken to incorporate an ethno-racial perspective in the fight against discrimination based on sexual orientation and gender identity.

Situation of refugees, asylum seekers and other non-nationals (arts. 2, 5 and 7)

16. Data on the situation of migrants, including those in an irregular situation, asylum seekers and refugees, and persons who are stateless or at risk of becoming stateless. Legislative and administrative measures taken to guarantee adequate protection for such persons, including with regard to access to employment, housing, health-care services and education (CERD/C/CUB/CO/14-18, para. 19). Measures taken to prevent and combat discrimination and intolerance against migrants, asylum seekers and refugees.

17. Measures taken to promote the social integration of irregular migrants of Haitian origin, to provide adequate protection for them, to integrate them into society and to ensure that they are not subjected to discriminatory treatment (CERD/C/CUB/19-21, para. 65)

18. Information disaggregated by sex, age, ethnic group and nationality of the victims on the number of investigations, convictions and sentences imposed in cases of trafficking in human beings for labour or sexual exploitation purposes (CERD/C/CUB/CO/14-18). Measures adopted to guarantee effective implementation of the 2017–2020 National Action Plan to Prevent and Combat Trafficking in Human Beings and to Provide Protection for Victims.

Access to justice (arts. 5 and 6)

19. Measures taken to facilitate access to effective complaints mechanisms and judicial remedies for victims of racial discrimination, including measures to raise awareness of such mechanisms and remedies, and assistance provided to victims when filing complaints.

20. Measures taken to improve training and raise awareness among public officials, including police officers, prosecutors, lawyers, public defenders, judges and other justice system officials, about the negative effects of racial discrimination, and measures to ensure the effective implementation of anti-discrimination legislation and the Convention.

Combating prejudices and stereotypes which lead to racial discrimination (art. 7)

21. Measures taken, including awareness-raising and education campaigns, to prevent the spread of messages that encourage the dissemination of racial stereotypes and prejudices, particularly against persons of African descent. Measures taken to ensure that school curricula and textbooks promote understanding and tolerance among the different racial and ethnic groups and to prevent the dissemination of racial stereotypes and prejudices.

Civil society participation in the implementation of the Convention

22. Measures taken to strengthen the link between Government agencies and civil society organizations working to eliminate racial discrimination, and concrete results of such measures. Further information on the expansion and strengthening of the forums for consultation and exchange with civil society on issues pertaining to the Convention that are referred to in paragraph 256 of the State party's report.